



Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
(617) 626.1520
Fax (617) 626.1509



Marine Fisheries Advisory
March 12, 2004

OUTER CAPE LOBSTER TRAP ALLOCATION TRANSFER PROGRAM
EFFECTIVE MARCH 15, 2004

In December 2003, *Marine Fisheries* enacted an effort control plan for lobstermen fishing in the Outer Cape Cod Lobster Conservation Management Area (OCC) as required under Addendum III to Amendment #3 of the interstate fishery management plan. The plan is designed to control fishing mortality by reducing the number of traps fished in the area between now and 2008. *Marine Fisheries* has allocated traps to eligible fishermen under the first phase of the plan and is now detailing the second phase whereby OCC trap allocations may be transferred through a process managed by *Marine Fisheries*' Licensing Program, effective Monday, March 15, 2004.

History on Outer Cape Eligibility and Trap Allocation

Marine Fisheries issued OCC endorsed permits to only those fishermen who had a documented history fishing the area during 1999-2001 and have remained in the area since 2001. To ensure area-based management goals, all Massachusetts inshore lobstermen are now allowed to fish in only one Lobster Conservation Management Area (LCMA). This means many fishermen who fish primarily in Area 1 or 2 and set traps in Outer Cape on a seasonal basis are now restricted from the area.

Each eligible Outer Cape Cod lobsterman was given a unique trap allocation that reflects their best fishing year during 2000 through 2002. *Marine Fisheries* used lobsterman-provided catch reports to allocate traps based on a combination of traps reported fished and landings. Although in many cases these allocations were far lower than the allowed trap limit of 800 traps that governs most inshore lobster fisheries in the northeast, fishermen are still able to increase their allocations of traps through a trap transfer process.

Outer Cape Lobster Trap Allocation Transfer Program

Marine Fisheries' second phase of the effort control plan is designed to provide the flexibility for lobstermen to increase the scale of their lobster business without adding to the overall number of traps in the fishery. As stated in the Outer Cape effort control plan, fishermen must have an OCC trap allocation in order to fish the area. However, fishermen wishing to enter the area from other LCMAs or Outer Cape fishermen wishing to increase their current OCC allocations may do so by obtaining an OCC trap allocation from Outer Cape fishermen seeking to exit the fishery or scale down. Trap allocation transfers will be subject to a "trap tax" of 10%. For example, if a lobsterman seeks to transfer an allocation of 100 traps to another lobsterman, the recipient would receive only 90 traps for use in the OCC; the remaining 10 would be eliminated from the fishery.

The following is a summary of the OCC lobster trap allocation transfer program; trap allocation transfer forms are available on our website at www.mass.gov/marinefisheries:

- The 2004 fishing season Application Period for trap allocation transfers shall be March 15 through April 6th.
- The 2005 Application Period deadline for trap allocation transfers shall be November 30, 2004. Trap allocations for 2005 will become effective on January 1, 2005 subject to *MarineFisheries* approval.
- All applications must be signed by both permit holders involved in the transfer, and each signature must be notarized.
- Fishermen with Outer Cape Cod trap allocations will be able to transfer some or all of their allocation to other lobstermen in 50 trap increments.
- Fishermen with a trap allocation less than 50 may transfer all of their allocation.
- Any fisherman whose trap allocations declines below 50 traps after transfer shall have the remaining trap allocation and associated permit retired.
- All transfers are subject to a 10% trap tax.
- A fisherman with an Area 1 or Area 2 permit may receive an OCC trap allocation but the permit is still restricted to a single LCMA.

Other issues pertaining to Outer Cape Cod Lobster Management

- No new endorsements for the harvest of lobsters with SCUBA will be permitted in the OCC.
- *MarineFisheries* is proposing a 10-lobster daily bag limit for all non-commercial permit holders.
- No action was taken on the adoption of a three-month closed season, although *MarineFisheries* and the Commission will continue discussions on this issue and the issue of trap allocation rules for SCUBA divers.

Note to federal permit holders: This program applies to all commercial permit holders fishing in Massachusetts waters or from Massachusetts ports. This includes those permit holders who have a federal permit and only land lobsters in the Commonwealth. Through an agreement with National Marine Fisheries Service, *MarineFisheries* is the responsible party for approving all trap allocations for fishermen in Massachusetts. Any permit holder who orders more trap tags than authorized by *MarineFisheries* will have their state permit suspended for failure to comply with the interstate plan.

Complete regulations can be viewed at www.mass.gov/marinefisheries.

###